

APPEAL, CLOSED

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:03-cv-12560-RGS**

Deitzel v. Springfield Terminal Railway Company
Assigned to: Judge Richard G. Stearns
Cause: 45:151 Railway Labor Act

Date Filed: 12/19/2003
Jury Demand: Defendant
Nature of Suit: 330 Federal Employer's
Liability
Jurisdiction: Federal Question

Plaintiff

David Deitzel

represented by **Ronald M. Davids**
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ATTORNEY TO BE NOTICED

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V.

Defendant

**Springfield Terminal Railway
Company**
*c/o CT Corporation System 101 Federal
Street, Boston, MA 02110*

represented by **John J O'Brien, Jr.**
O'Brien & von Rosenvinge
Suite 202
27 Mica Lane
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Defendant

Guilford Rail Systems

represented by **John J O'Brien, Jr.**

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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/19/2003	●	*** Attorney Mario Bozza for David Deitzel added. (Flaherty, Elaine) (Entered: 12/22/2003)
12/19/2003	● <u>1</u>	COMPLAINT against Guilford Rail Systems, Springfield Terminal Railway Company Filing fee: \$ 150, receipt number 52629, filed by David Deitzel.(Flaherty, Elaine) (Entered: 12/22/2003)
12/19/2003	●	Summons Issued as to Guilford Rail Systems, Springfield Terminal Railway Company. (Flaherty, Elaine) (Entered: 12/22/2003)
12/19/2003	●	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Collings. (Flaherty, Elaine) (Entered: 12/22/2003)
02/11/2004	● <u>2</u>	ANSWER to Complaint with Jury Demand by Springfield Terminal Railway Company.(Flaherty, Elaine) (Entered: 02/12/2004)
02/11/2004	● <u>3</u>	Special appearance and ANSWER to Complaint with Jury Demand by Guilford Rail Systems.(Flaherty, Elaine) (Entered: 02/12/2004)
02/23/2004	● <u>4</u>	SUMMONS Returned Executed Guilford Rail Systems served on 1/26/2004, answer due 2/16/2004. (Flaherty, Elaine) (Entered: 02/25/2004)
02/27/2004	● <u>5</u>	SUMMONS Returned Executed Springfield Terminal Railway Company served on 1/23/2004, answer due 2/12/2004. (Flaherty, Elaine) (Entered: 02/27/2004)
02/27/2004	● <u>6</u>	MOTION to Dismiss by Guilford Rail Systems, Springfield Terminal Railway Company.(Flaherty, Elaine) (Entered: 03/02/2004)
02/27/2004	● <u>7</u>	MOTION to Dismiss pursuant to F.R.C.P. 12(b)(6), or in the alternative, pursuant to F.R.C.P. 56 by Guilford Rail Systems, Springfield Terminal Railway Company.(Flaherty, Elaine) (Entered: 03/02/2004)

03/11/2004	● <u>10</u>	NOTICE of Scheduling Conference. Scheduling Conference set for 4/22/2004 02:45 PM in Courtroom 21 before Judge Richard G. Stearns. (Johnson, Mary) (Entered: 03/23/2004)
03/12/2004	● <u>8</u>	MEMORANDUM in Opposition re <u>7</u> MOTION to Dismiss or in the alternative motion of plaintiff to take discovery filed by David Deitzel. (Flaherty, Elaine) (Entered: 03/16/2004)
03/18/2004	● <u>9</u>	Judge Richard G. Stearns : ORDER entered granting <u>6</u> Motion to Dismiss, denying <u>7</u> Motion to Dismiss (Flaherty, Elaine) (Entered: 03/19/2004)
03/31/2004	● <u>11</u>	CERTIFICATE OF CONSULTATION by John J O'Brien Jr. on behalf of Guilford Rail Systems, Springfield Terminal Railway Company by on behalf of Guilford Rail Systems, Springfield Terminal Railway Company.(Flaherty, Elaine) (Entered: 04/07/2004)
04/02/2004	● <u>12</u>	MOTION to Continue scheduling conference to 5/21/04 by David Deitzel received for docketing 4/7/04.(Flaherty, Elaine) (Entered: 04/07/2004)
04/07/2004	●	Judge Richard G. Stearns : Electronic ORDER entered granting <u>12</u> Motion to Continue. "allowed, to 5/24/04 at 2:30 p.m." (Johnson, Mary) (Entered: 04/07/2004)
05/24/2004	●	Electroic Clerk's Notes for proceedings held before Judge Richard G. Stearns : Scheduling Conference held on 5/24/2004. Atty. Bozza present for the pltf. Atty. O'Brien present for the deft. Parties advise the Court that Guilford Rail Systems is no longer a defendant in this action. All discovery shall be completed by 1-28-05. Pltf. shall designate experts by 2-25-05; deft. shall designate experts by 4-15-05. Expert depositions shall be completed by 5-30-05. Dispositive motions shall be filed by 6-15-05. If none filed by that date, the case will be placed on the Court's trial list. (Court Reporter None.) (Johnson, Mary) Modified on 6/9/2004 (Johnson, Mary). (Entered: 06/09/2004)
05/24/2004	● <u>13</u>	JOINT STATEMENT re: scheduling conference, filed. (Johnson, Mary) (Entered: 06/10/2004)
07/15/2004	● <u>14</u>	NOTICE of Appearance by Ronald M. Davids on behalf of David Deitzel (Flaherty, Elaine) (Entered: 07/19/2004)
09/07/2004	● <u>15</u>	MOTION for Leave to Appear Pro Hac Vice by DeGeorge Filing fee \$ 50., receipt number 58502. by David Deitzel.(Flaherty, Elaine) (Entered: 09/09/2004)
09/09/2004	●	Judge Richard G. Stearns : Electronic ORDER entered granting <u>15</u> Motion for Leave to Appear Pro Hac Vice Added Rudolph V. DeGeorge for David Deitzel (Flaherty, Elaine) (Entered: 09/09/2004)
01/25/2005	● <u>16</u>	MOTION for Extension of Time to 2/25/05 to Complete Discovery by David Deitzel, Springfield Terminal Railway Company.(Flaherty, Elaine) (Entered: 02/08/2005)

02/07/2005	●	Judge Richard G. Stearns : Electronic ORDER entered granting <u>16</u> Motion for Extension of Time to Complete Discovery (Flaherty, Elaine) (Entered: 02/08/2005)
03/07/2005	● <u>17</u>	NOTICE of Withdrawal of Appearance Attorney Steven M. Lafferty terminated. (Flaherty, Elaine) (Entered: 03/07/2005)
04/21/2005	● <u>18</u>	MOTION for Extension of Time of 90 days to Complete Discovery and all other deadlines by David Deitzel.(Flaherty, Elaine) (Entered: 04/27/2005)
05/06/2005	●	Judge Richard G. Stearns : Electronic ORDER entered granting <u>18</u> Motion for Extension of Time to Complete Discovery (Flaherty, Elaine) (Entered: 05/06/2005)
07/25/2005	● <u>19</u>	Joint MOTION for Extension of Time to 8/29/05 to designate expert witnesses by David Deitzel, Springfield Terminal Railway Company.(Flaherty, Elaine) (Entered: 07/28/2005)
07/25/2005	●	Judge Richard G. Stearns : Electronic ORDER entered granting <u>19</u> Motion for Extension of Time (Flaherty, Elaine) (Entered: 07/28/2005)
08/09/2005	● <u>20</u>	Joint MOTION for Extension of Time to Complete Discovery <i>for the Designation of Experts Pursuant to Federal Rule of Civil Procedure 26(a)(2)(b)</i> by David Deitzel.(O'Brien, Jennifer) (Entered: 08/09/2005)
08/10/2005	●	Judge Richard G. Stearns : Electronic ORDER entered granting <u>20</u> Motion for Extension of Time to Complete Discovery "The court will grant a sixty (60) day extension." (Flaherty, Elaine) (Entered: 08/11/2005)
11/14/2005	● <u>21</u>	MOTION for Summary Judgment by Springfield Terminal Railway Company. (Attachments: # <u>1</u>)(Flaherty, Elaine) (Entered: 11/16/2005)
11/21/2005	● <u>22</u>	MOTION for Extension of Time to December 19, 2005 to File Opposition to Defendant's Motion for Summary Judgment by David Deitzel.(Davids, Ronald) (Entered: 11/21/2005)
12/05/2005	●	Judge Richard G. Stearns : Electronic ORDER entered granting <u>22</u> Motion for Extension of Time (Flaherty, Elaine) (Entered: 12/07/2005)
12/15/2005	● <u>23</u>	RESPONSE to Motion re <u>21</u> MOTION for Summary Judgment filed by David Deitzel. (Davids, Ronald) (Entered: 12/15/2005)
12/20/2005	●	Electronic NOTICE of Hearing on Motion <u>21</u> MOTION for Summary Judgment: Motion Hearing set for 2/15/2006 02:30 PM in Courtroom 21 before Judge Richard G. Stearns. (Johnson, Mary) Modified on 12/20/2005 (Johnson, Mary). (Entered: 12/20/2005)
02/15/2006	●	Clerk's Notes for proceedings held before Judge Richard G. Stearns : Motion Hearing held on 2/15/2006 re <u>21</u> MOTION for Summary Judgment filed by Springfield Terminal Railway Company. Rudolph DeGeorge appeared for Deitzel; John O'Brien appeared for defendant Springfield Terminal. After hearing the motion for summary judgment

		was DENIED. The court set a trial date of Monday June 26, 2006.(Court Reporter James Gibbons.) (Zierk, Marsha) (Entered: 02/15/2006)
02/15/2006	●24	Judge Richard G. Stearns : Electronic ORDER entered denying <u>21</u> Motion for Summary Judgment (Zierk, Marsha) (Entered: 02/15/2006)
02/15/2006	●25	MOTION to identify a medical expert late filed by Springfield Terminal Railway Company.(Johnson, Mary) (Entered: 02/21/2006)
02/15/2006	●	Judge Richard G. Stearns : Electronic ORDER entered granting <u>25</u> Motion to identify medical expert late. (Johnson, Mary) (Entered: 02/21/2006)
02/24/2006	●26	Judge Richard G. Stearns : ORDER entered. PROCEDURAL ORDER re pretrial/trial: Final Pretrial Conference set for 6/22/2006 04:00 PM in Courtroom 21 before Judge Richard G. Stearns. Jury Trial set for 6/26/2006 09:00 AM in Courtroom 21 before Judge Richard G. Stearns.(Johnson, Mary) (Entered: 02/24/2006)
06/13/2006	●	ELECTRONIC NOTICE OF RESCHEDULING: Jury Trial is re-scheduled to Monday, 10/2/2006 at 09:00 AM in Courtroom 21 before Judge Richard G. Stearns. All Trial Documents shall be filed by 9-26-06. (Johnson, Mary) Modified on 6/13/2006 (Johnson, Mary). (Entered: 06/13/2006)
08/25/2006	●27	MOTION for Discovery <i>for the Designation of Experts</i> by David Deitzel. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(Davids, Ronald) (Entered: 08/25/2006)
08/25/2006	●28	CERTIFICATE OF CONSULTATION re <u>27</u> MOTION for Discovery <i>for the Designation of Experts</i> . (Davids, Ronald) (Entered: 08/25/2006)
09/07/2006	●29	First RESPONSE to Motion re <u>27</u> MOTION for Discovery <i>for the Designation of Experts</i> filed by all defendants. (O'Brien, John) (Entered: 09/07/2006)
09/11/2006	●	Judge Richard G. Stearns : Electronic ORDER entered denying <u>27</u> Motion for Discovery "Trial is scheduled for 10/2/06." (Flaherty, Elaine) (Entered: 09/11/2006)
09/26/2006	●30	PRETRIAL MEMORANDUM by David Deitzel. (Attachments: # <u>1</u> Plaintiff's Proposed Voir Dire Questions# <u>2</u> Plaintiff's Trial Memorandum# <u>3</u> Plaintiff's Requested Points for Charge# <u>4</u> Defendant's Request for VOir Dire Questions to be Posed to the Jury# <u>5</u> Defendant's Request for Instructions to the Jury)(Davids, Ronald) (Entered: 09/26/2006)
09/26/2006	●31	AMENDED DOCUMENT by David Deitzel, Springfield Terminal Railway Company. Amendment to <u>30</u> Pretrial Memorandum,. (Davids, Ronald) (Entered: 09/26/2006)
09/29/2006	●32	PRETRIAL MEMORANDUM by Springfield Terminal Railway Company. (O'Brien, John) (Entered: 09/29/2006)

10/03/2006	●	Electronic Clerk's Notes for proceedings held before Judge Richard G. Stearns : Jury Trial held on 10/3/2006, Day 1. Atty. DeGeorge present for the pltf. Atty. O'Brien present for the deft. Jury of 8 persons selected and sworn. Court gives preliminary instructions to the jury. Pltf's opening. Deft's opening. P-1 by videotape. Adjourn 1:10 P.M. (Court Reporter Marie Cloonan.) (Johnson, Mary) Modified on 10/12/2006 (Johnson, Mary). (Entered: 10/12/2006)
10/04/2006	●	Electronic Clerk's Notes for proceedings held before Judge Richard G. Stearns : Jury Trial held on 10/4/2006, Day 2. P-2 sworn. Direct. Cross. Re-direct. Re-cross. Excused. D-1 sworn out of turn. Direct. Cross. Re-direct. Re-cross. Excused. P-3 sworn. Direct. Cross. Excused. P-4 sworn. Direct. Adjourn 1:00 P.M. (Court Reporter Marie Cloonan.) (Johnson, Mary) Modified on 10/12/2006 (Johnson, Mary). (Entered: 10/12/2006)
10/05/2006	●	Electronic Clerk's Notes for proceedings held before Judge Richard G. Stearns : Jury Trial held on 10/5/2006, Day 3. Direct of P-4 continues. Cross. Re-direct. Re-cross. Excused. Plaintiff rests. Defendant moves for Judgment as a Matter of Law, and same is DENIED. D-2 sworn. Direct. Cross. Excused. Defendant rests. Defendant moves for Judgment as a Matter of Law after close of all the evidence, and same is DENIED. Defendant's closing 11:40 a.m. to 12:00 noon. Plaintiff's closing 12:00 noon to 12:30 p.m. Court's charge to jury 12:30 p.m. to 1:00 p.m. Jury has lunch at 1:05 p.m. to 1:30 p.m. in jury room. Deliberations begin at 1:30 p.m. Jury returns with verdict at 3:30 p.m. Jury finds in favor of the plaintiff in the amount of \$925,960.00. Exhibits returned to counsel. Jury discharged. Adjourn 3:35 p.m. (Court Reporter Marcia Patrisso.) (Johnson, Mary) Modified on 10/12/2006 (Johnson, Mary). (Entered: 10/12/2006)
10/05/2006	● <u>33</u>	JURY VERDICT returned in open Court at 3:30 P.M. in favor of the plaintiff, as against the defendant. (Johnson, Mary) Modified on 10/12/2006 (Johnson, Mary). (Entered: 10/12/2006)
10/05/2006	● <u>35</u>	MOTION for Directed Verdict at Close of Plaintiff's Case, filed in open Court by Springfield Terminal Railway Company. (Johnson, Mary) Modified on 10/12/2006 (Johnson, Mary). (Entered: 10/12/2006)
10/05/2006	● <u>36</u>	MOTION for Directed Verdict at Close of All the Evidence, filed in open Court by Springfield Terminal Railway Company. (Johnson, Mary) Modified on 10/12/2006 (Johnson, Mary). (Entered: 10/12/2006)
10/05/2006	●	Judge Richard G. Stearns : Electronic ORDER entered denying <u>35</u> Motion for Directed Verdict, denying <u>36</u> Motion for Directed Verdict. (Johnson, Mary) (Entered: 10/12/2006)
10/12/2006	● <u>34</u>	Judge Richard G. Stearns : ORDER entered. JUDGMENT in favor of plaintiff against defendant. (Johnson, Mary) (Entered: 10/12/2006)
10/12/2006	●	Civil Case Terminated. (Johnson, Mary) (Entered: 10/12/2006)

10/13/2006	● <u>37</u>	First MOTION for New Trial by Springfield Terminal Railway Company.(O'Brien, John) (Entered: 10/13/2006)
10/13/2006	● <u>38</u>	First MOTION for Judgment NOV by Springfield Terminal Railway Company.(O'Brien, John) (Entered: 10/13/2006)
10/13/2006	● <u>39</u>	Second MOTION for New Trial by Springfield Terminal Railway Company.(O'Brien, John) (Entered: 10/13/2006)
10/18/2006	● <u>40</u>	TRANSCRIPT of Jury Trial Day Three held on October 5, 2006 before Judge Stearns. Court Reporter: Marcia G. Patrisso. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/737-8728 or the Clerk's Office. (Scalfani, Deborah) (Entered: 10/18/2006)
10/26/2006	● <u>41</u>	RESPONSE to Motion re <u>38</u> First MOTION for Judgment NOV filed by David Deitzel. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(Davids, Ronald) (Entered: 10/26/2006)
10/27/2006	● <u>42</u>	RESPONSE to Motion re <u>37</u> First MOTION for New Trial, <u>39</u> Second MOTION for New Trial filed by David Deitzel. (Davids, Ronald) (Entered: 10/27/2006)
11/03/2006	●	Judge Richard G. Stearns : Electronic ORDER entered finding as moot <u>38</u> Motion for Judgment NOV "moot only for the reason that it's a duplicate filing of pending motion number 39, terminated for statistical reasons only" (Flaherty, Elaine) (Entered: 11/03/2006)
11/08/2006	● <u>43</u>	Judge Richard G. Stearns : MEMORANDUM AND ORDER ON DEFENDANT'S MOTION FOR NEW TRIAL/AND TO ALTER OR AMEND JUDGMENT AND FOR A REMITTUR, entered denying <u>37</u> Motion for New Trial DENYING MOTION TO ALTER OR AMEND DENYING MOTION FOR REMITTUR (Flaherty, Elaine) (Entered: 11/08/2006)
11/08/2006	● <u>44</u>	Judge Richard G. Stearns : MEMORANDUM AND ORDER ON DEFENDANT'S MOTION FOR JUDGMENT NOTWITHSTANDING THE VERDICT, FOR NEW TRIAL ENTEREDDENYING <u>39</u> Motion for New Trial DENYING MOTON FOR JUDGMENT NOTHWITHSTANDING THE VERDICT (Flaherty, Elaine) (Entered: 11/08/2006)
11/14/2006	● <u>45</u>	NOTICE OF APPEAL by Springfield Terminal Railway Company. \$ 455 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 12/4/2006. (O'Brien, John) (Entered: 11/14/2006)
11/28/2006	●	Filing fee: \$ 455., receipt number 76418 for <u>45</u> Notice of Appeal, (Flaherty, Elaine) (Entered: 11/28/2006)

